

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

**THOMAS DONO,**

Petitioner,

**v.**

**Civil Action No. 2:16-CV-5  
(BAILEY)**

**CHARLES WILLIAMS, Warden,**

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Michael J. Aloï [Doc. 18]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Aloï for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Aloï filed his R&R on August 30, 2016, wherein he recommends this Court deny and dismiss petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [Doc. 1], and grant respondent's Motion to Dismiss or, in the Alternative, for Summary Judgment [Doc. 8].

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

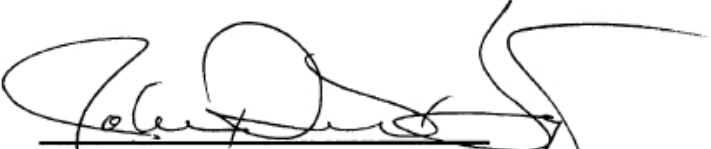
review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Aloï's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that service was accepted on September 6, 2016 [Doc. 19]. On September 22, 2016, petitioner filed a Motion for Extension of Time to File Response to R&R [Doc. 20], which this Court granted by Order [Doc. 21] the same day. In that Order, petitioner was granted until October 24, 2016, to file his objections [Id.]. No objections have been filed to date. This Court has reviewed the R&R for clear error, and has found none.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 18]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court **ORDERS** that the plaintiff's Complaint **[Doc. 1]** be **DENIED** and **DISMISSED WITH PREJUDICE**. Additionally, respondent's Motion to Dismiss or, in the Alternative, for Summary Judgment **[Doc. 8]** is hereby **GRANTED**. This Court further **DIRECTS** the Clerk to enter judgment in favor of the respondent and to **STRIKE** this case from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

**DATED:** October 25, 2016.



**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**